[President.]

MR. NARAYANAPERUMAL NADAR :

"As I intend to move the following adjournment motion on 25th January 1938, I request leave being granted for the same :

This Assembly begs to bring to the notice of the Government, the extreme hardship caused to the ryots of the areas commanded by the Kodayar Project because of the recent failure of rain and insufficiency of water in the Pachipara Reservoir and careless distribution of water in irrigating the wet lands assessed to land tax."

*Drought in South Travancore.*

I have also received notices of the following two motions from Mr. T. C. Kesava Pillai and Mr. M. Sivathanu Pillai about the general scarcity of water in South Travancore.

MR. T. C. KESAVA PILLAI :

"I intend asking for leave to make a motion for the adjournment of the business of the House to discuss a matter of urgent definite public importance mainly the situation created among the agriculturists of Manamari Tank area in South Travancore due to the prevailing drought."

MR. M. SIVATANU PILLAI :

"I wish to move that the House do now adjourn to discuss a matter of urgent public importance namely, the present situation in Nanjinad on account of unprecedented drought causing alarming loss to the ryots."

There is no doubt that these motions are in order, and I take it that it will be the general sense of the House to have them discussed. I do not therefore propose to go through the formality of ascertaining the sense of the House. The matter will be discussed tomorrow afternoon at the usual time.

**MR. E. JOHN PHILIPOSE** (*Tiruvalla*) : Sir, may I submit, with respect to your ruling on the adjournment motions about the assaults on two journalists, that the ruling was based on information which the Government has obtained on petitions presented to Government by the journalists themselves. I ask you, Sir, is it right that the President of this Assembly should rule out a motion for adjournment on information received by the Government. It may be that the members that move for the adjournment of the house may have other aspects and other points of view to put forward. I ask you, Sir, whether it is desirable as a matter of constitutional precedure that the President should resort to Government records and rule out motions for adjournment, on information contained in such records.

**PRESIDENT** : The interruption, in so far as it is a reflection on the ruling of the Chair, is not in order.

**MR. E. JOHN PHILIPOSE** : I beg your pardon, Sir. I did not in the least mean any reflection on the ruling. I raised the question as a matter of enquiry about a question of fundamental importance to this House.

**PRESIDENT** : In so far as such enquiry seeks to question the ruling of the Chair, it is out of order. Having said that, I think it is my duty to deal with the matter which has been raised by way of insinuation, n order that the question might be put on its proper perspective.

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The President of this Assembly is also the Dewan of this State, the responsible head of the administration of the State.

Assaults on individuals are, *prima facie* private matters which may form subjects of prosecution under the provisions of the law. And, when the persons assaulted have complained in a particular manner and have asked for relief, and the matter is under investigation and enquiry, it was open to the Chair to say that, on that ground alone, the matter can be ruled out. A similar question arose in this House in 1935, and it was ruled by the President that not only must the matter be of recent occurrence and of public importance, but no discussion can be raised on materials not available to the House. Material will not and cannot be available to the House so long as the enquiry initiated by the Government is not complete. So, on that ground alone, the motion could have been ruled out.

Further, the Rule says—

> "If the President is of opinion that the matter proposed to be discussed is in order he shall read the statement....."

Therefore, it is open to the President to arrive at the opinion that the matter to be discussed is not in order. And, it will not be in order if it comes within the mischief of Rule 21, or the Rule forbidding that a motion for the adjournment of the House should be of a matter which could not be put in the form of a resolution.

I have read out the letters received by the Government from Mr. Muthalali and Mr. Madhava Varier. There is no suggestion, in either of these letters, which can lead to the conclusion that it has been an assault by a public functionary, that it was anything more than individual assault. There is no doubt that it was a very regrettable occurrence. But, on the question whether it is a matter of public importance, I can decide on the material before the Dewan. I therefore hold that I was within my rights in doing so. In any case, on the sole ground that all the materials cannot be before the House until the enquiry is complete, I rule the motions out of order.

**MR. E. JOHN PHILIPOSE:** On a point of personal explanation, Sir, In bringing this matter to the notice of the President, I did not mean any insinuation nor did I intend to reflect on the impartiality of the ruling. All that I intended was to make an enquiry as to whether it will be the right practice here to resort to documents in the possession of the Government. It was because the President thought it fit to refer to documents in the possession of Government, and to base his ruling on them, that I raised the enquiry.

**PRESIDENT:** As a matter of some importance has been raised, I fully accept the assurance given by Mr. Philipose that he did not intend any insinuation. I feel sure that all honourable members will realise that an experienced and distinguished lawyer like Mr. Philipose would not intentionally make any insinuation.

In regard to the letters that I have referred to I think I had better deal with them since my reference has been specifically raised. The



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